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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,707	01/02/2004	Joel W. Pfister	S522.12-0012	3806
164	7590	08/17/2006	EXAMINER	
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/750,707	Applicant(s) PFISTER, JOEL W.	
	Examiner Amy J. Sterling	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-34, 36-43 and 45-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54 and 55 is/are allowed.
- 6) ☒ Claim(s) 31-34, 36-39, 42, 43, 45, 46, 50-53 is/are rejected.
- 7) ☒ Claim(s) 40, 41 and 47-49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a non-final Office Action for application number 10/750,707 Articulated Mount, filed on 1/2/04. Claims 31-34, 36-43 and 45-55 are pending. This non-final Action is in response to applicant's reply dated 6/30/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

The disclosure is objected to because of the following informalities:

The detailed description does not appear to be complete with regards to the elected figures (18A, 18B). The "Tapered Bearings 766. 768. 780. 782 and 784" should be more fully described including individual element descriptions under the appropriate figure heading. At least a reference should be made to the exact locations or location that had previously described the device.

Appropriate correction is required. No new matter may be entered.

Claim Rejections - 35 USC § 112

Claims 42 and 45-53 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In regards to claim 42, the "means for locking the tapered spindle" was not sufficiently taught by the specification and furthermore the addition of these terms may constitute new matter. The term "means" was not disclosed in the original disclosure and should be cancelled from the claims. The applicant is required to specifically point out in the specification as to what the "means" may entail. Addition of such explanation now is considered new matter.

Claims 31-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31, 42 and 54 recite the limitation "a wall mount" in line 4. This should be changed to "the wall plate" in order to be clear that the "wall mount" is not a separate element from the "wall plate".

Claim Rejections - 35 USC § 102

Claims 31-34, 36-39, 42, 43, 45, 46 and 50-53 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5388308 to Meeuwissen.

The patent to Meeuwissen discloses a wall plate (21), a mount plate (end of 40) an articulated linkage (22, 24) between the wall plate and the mount plate including an adjustable drag tapered bearing (20), the bearing having a tapered bore (29) which is

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part of a bushing, formed in and carried by the first arm support element, the tapered bore being carried by a first support (24) element and a tapered axle (25, 33) having a tapered spindle (25) carried by a second arm support element (22), the spindle which is received within and contacts the tapered bore and a tapered mount (26a, 26b) clamped into a tapered bore of the second support element and an adjustment mechanism (34) which is adjustably secured to the tapered spindle of the tapered axle to adjust the compression between the tapered bore and spindle and is independent of the rotation of the first and second support elements and a second drag bearing (20, Se Figure 4) providing selectable drag about a second pivot axis displaced from the first pivot axis, the tapered spindle including a threaded base (33) and the articulated linkage carries a threaded bore (in adjustment nut 34), the threaded base being screwed into the threaded bore and a means for locking (35, 36) the spindle to the bore which is a screw (36) and is independent of rotation of the first and second support elements, wherein the tapered spindle (25) is secured to a threaded spindle (33) that is carried by the threaded bore (hole in 34) of the second element.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter


Claims 54 and 55 are allowed.

Claims 40, 41 and 47-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach the threaded receiver of the squared neck of the spindle or a tension cap having a through hole wherein the drag adjustment screw extends through the first support element and the through hole.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (Informal communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600


Amy J. Sterling
8/13/06